IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR, NAGPUR.

FIRST APPEAL NO. 147/1996
WITH
CROSS APPEAL (ST) No. 14511/1996
&
FIRST APPEAL NO. 663/1996
WITH
CROSS APPEAL No. 1997
&
FIRST APPEAL NO.319/1998
WITH
CROSS APPEAL NO. 1998

1) FIRST APPEAL NO. 147/1996
WITH CROSS APPEAL No.(ST) 14511/1996

1) The State of Maharashtra
Through the Collector, Yavatmal

2) The Special Land Acquisition officer,
Minor irrigation Works No.II
Yavatmal. ..APPELLANTS

V E R S U S

1) Sabir Mohd. Yakub
Aged about 25 years

2) M.G. Mohd.
Aged about 30 years

Both Agriculturist and R/o Lkah
Tq.Digras Dsit. Yavatmal. ..RESPONDENTS

2) FIRST APPEAL NO. 663/1996
WITH CROSS APPEAL No. 1997

1) The State of Maharashtra
Through the Collector, Yavatmal

2) The Special Land Acquisition officer,
Minor irrigation Works No.II
Yavatmal. ..APPELLANTS

V E R S U S

Mohd. Yusuf Mohd. Yakub,
Aged 27 years, agriculturist
R/o Lakh, Tq.Digras Dist. Yavatmal. ..RESPONDENT

3) FIRST APPEAL NO.319/1998
WITH CROSS APPEAL NO. 1998

1) The State of Maharashtra
Through the Collector, Yavatmal

2) The Special Land Acquisition officer,
Minor irrigation Works No.II
Yavatmal. ..APPELLANTS

V E R S U S

Abdul Nazir Abdul Yakub
Aged about....years, agriculturist
R/o Lakh, Tq.Digras Dist. Yavatmal. ..RESPONDENT

Mr. Mangesh Kadu, Assistant Govt. Pleader, for appellants in all appeals
Mr. S.V.Ingole, Adv/h/for Shri S.D.Patil, Advocate for respondents, in all appeals

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CORAM: SMT. VASANTI A. NAIK,J.
DATED : 21st October, 2010

ORAL JUDGMENT :

1. Since common questions of facts arise for determination in these First Appeals, they are heard together and are decided by this common judgment.

2. It is brought to the notice of this Court that this Court has by the judgment dated 10th August, 2009 in First Appeal Nos. 407/1993 and others, partly allowed some of the State Appeals and held that the claimants in those First Appeals were entitled to grant of compensation for the land at the rate of Rs. 70,000/- per hectare.

3. It is necessary to note that the lands in the decided cases and the lands in the present cases, were situated at village Lakh and were acquired by the Section 4 notification which was issued in the year 1986. The Land Acquisition Officer had passed a common award in those cases and had granted compensation to the claimants at the rate of Rs. 16,000/- per hectare. In the decided First Appeals, the respondents were granted compensation by the reference Court @ Rs. 70,000/- per hectare and Rs. 75,000/-per hectare for their irrigated lands. This Court had held in the judgment dated 10th August, 2009 in the decided First Appeals, that the market price of the land at village Lakh at the relevant time was Rs. 70,000/- per hectare for irrigated land. In these cases. the lands of the claimants are not irrigated lands and

hence it appears that the reference Court has granted lesser compensation to the respondents herein,i.e. @ Rs.55,000/- per hectare. Since this Court has held that the grant of compensation for irrigated lands @ Rs. 70,000/- per hectare was just and proper, it would be necessary to uphold the judgments passed by the reference Court in these cases as the lands in these cases were not irrigated lands and the reference Court had referred to the awards passed in the decided cases while granting compensation to the respondents @ Rs. 55,000/- per hectare.

4. Hence, for the reasons recorded in the judgment dated 10th August, 2009 in First Appeal Nos. 407/1993 and others; and also for the reasons recorded herein-above, these First Appeals are dismissed with no order as to costs.

5. The Cross Appeals /Objections filed by the respondents for seeking enhancement of compensation, are also liable to be dismissed as the grant of compensation @ Rs.55,000/- per hectare, was just and proper. Cross Objections are, therefore, dismissed. No order as to costs.

JUDGE

sahare